

AN
ATTEMPT
TO ESTABLISH
THE
BASIS OF FREEDOM
ON
SIMPLE AND UNERRING PRINCIPLES;
IN A SERIES OF LETTERS.

BY CHARLES PATTON.

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ADVERTISEMENT.

THE true basis upon which Rational Freedom can alone be established, appearing to be so little understood and so grossly misrepresented, I have been induced to attempt to explain, in the following Letters, what has struck me as the only principles upon which it can be founded. This Inquiry is directed to that species of Liberty which affords absolute Security of Property, and the most perfect degree of Personal Freedom; and in committing it to the public eye, I have rather chosen to risk the censure of precipitancy, than hazard the blame of delaying what may perhaps throw some light on a subject so very interesting to mankind.

As I have ventured to differ upon some points from all the Authors that I have consulted, it seemed to be unnecessary to appeal to their authorities for a corroboration of any
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of my sentiments ; and I chuse rather to submit them, even in this imperfect state, to a candid Public, to be received, or rejected, as they may appear agreeable or contrary to reason and truth, than to with-hold them for that correction or polish which might have been necessary to a subject of less consequence.



LETTER

LETTER I.

DEAR SIR,

IN the infancy of society, mankind are found without property, government, or laws. As they advance toward civilization, they have some kind of dress and decorations, which, as articles of luxury, raise envy, and require protection. This species of property would at first be defended by such individuals only as were possessed of it; and the punishment which they would inflict on those who attempted to deprive them of their wealth, would be such as passion dictated, and as ignorance, unawed by any superior power, thought proper to inflict. The bad effects of such corrections, and the conflicts which they would produce, must soon convince the whole community, that it was necessary to sanction, by their authority, a certain degree of chastisement to be inflicted on those who deprived any person

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of his property ; and from the necessity of protecting *persons* and *property*, government and laws first took their rise.

In a more advanced state of society, when individuals can no longer live independent of each other, and the necessities of life must be purchased by barter, or with money, the effects of property become visible in the management of public affairs. Perfect political equality can no longer subsist, as it is impossible that wealth can continue to be equally divided ; and upon wealth, influence and power must necessarily attend. In this state of society, it affords the means of procuring what then become the necessities and comforts of life ; in return for which, individuals will readily give their time, talents, and personal service.

If this statement be accurate, it appears that great property must be attended with great power ; it will likewise be evident, that the possessors of power do not rest satisfied, but constantly wish to increase that power ; and this propensity in our nature, if not counterbalanced by an equal effort, would lead those who are possessed of great wealth, and united by a common interest, to subjugate all those who had little or no property.

property. Fortunately for mankind, the persons who possess little or no property, when considered collectively, are equal in power to those who have the advantage of property: they make up by numbers what they are deficient in wealth. The operation of this power is uniform and certain. If the property be divided among a few persons, they must have great numbers to oppose their views; if the property be vested in a great number, it diminishes, by that number exactly, the persons who are apt to encroach upon it. Mankind, in all situations, have the same natural propensities; and those without wealth would as certainly encroach upon those who have it, as the wealthy would oppress the indigent, were they not restrained by a force equal to that which they possess. All civilized nations are naturally divided into these two parties; and it is evident, that freedom depends wholly on their being equally balanced: for if *property* prevail, personal freedom and small possessions must be in danger; and if *persons* prevail, great property would not be secure from their encroachments. Therefore real freedom, which consists equally in the security of *persons* and of *property*,

party, can only exist where the two parties are equally balanced. As these two parties, by a law of our nature, are inclined to encroach upon each other, the very essence of real freedom seems to consist in preserving a due balance between them; and experience has shown, that an executive power, properly limited, is best suited to that purpose.

In forming the executive part of government, if the possessors of large property should prevail, it would probably be placed in the hands of a senate, council, or some such body, chosen from their class: If, on the other hand, the *persons* without property should prevail, it would be placed in the hands of magistrates chosen by them, and to continue but a short time in office: But if the executive power should be chosen by the mutual consent of the two parties, it would probably be vested in a single person, under limited powers, who would have an interest in preserving a proper balance between them. If the parties did not agree to some of these expedients, a civil war would probably ensue, the horrors of which would prepare their minds to submit to any form of government that might be dictated by the conqueror, who would probably
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seize the whole power, and make himself absolute.

In some of these ways have originated the principal forms of government which uniformly prevail in every part of the globe.

There are indeed other circumstances which have occasionally operated in the formation of governments. Certain bodies of men, by taking advantage of the prejudices of the people, have become sufficiently formidable to seize the whole power of the state. Mankind, from ignorance, are naturally prone to superstition and credulity; men of cunning and of erudition have seldom failed to avail themselves of this weakness, and by pretending to act under authority more than human, have subjugated even tyrants to their sway. But this surreptitious method of obtaining power, ought rather to be considered as an usurpation, than a first establishment of government; and does not, properly, fall under immediate consideration.

This short and general view of government will be sufficient to show that political equality cannot take place, where property is unequally divided; because wealth naturally brings with it an influence which no human

human laws (not subversive of freedom) can prevent; and this inseparable effect of wealth becomes an immutable law of our nature, absolutely necessary to the preservation of property; which would otherwise be at the mercy of those whose wants would naturally lead them to covet, and to seize upon, the possessions of others.

It will likewise show, that, when the whole power of a state is in the hands of the rich, small property and personal freedom must be in danger; for wealth desires command and power, as much as poverty desires riches.

There are but two just claims to the power of government in any state; the one proceeding from the preservation of property, and the other from the security of personal freedom. All other pretensions are spurious; they can only be obtained by fraud, and supported by force; as liberty and property alone include all the purposes of government.

How those principles ought to be applied in a free state, under a representative form of government, shall be the subject of my next letter.

I am, &c.

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LETTER II.

DEAR SIR,

IT seems to be generally allowed, that the representative system is the best form of government in a free state; but there has been great difference in opinion with respect to the weight which *property* should have in the choice of representatives.

In my first letter I endeavoured to show, that *property* is naturally attended with a certain degree of influence and power, which is absolutely necessary to its existence; that the preservation of *property* and of personal freedom were of equal importance in a free state; that these two powers have a natural tendency to encroach upon each other; and that no real freedom can exist, where either the one or the other is allowed to preponderate.

If these facts be admitted, it seems necessarily to follow, that the representatives of a free people should be chosen, one half by the *property*, and one half by the *persons* independent of the property: otherwise *property*
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would be wholly in the power of *persons* to whom it did not belong; or *persons* in the power of *property*, which would have an interest and inclination to oppress them.

In order to place these observations in a clearer point of view, let us suppose, that in a free state, under a representative form of government, where liberty and property ought to be held sacred, all the lands justly belonged to one man: If, in these circumstances, the people elected the whole of the representatives, what security would this man have that his property would be safe? It would be left in the power of those who would have a strong and an unrestrained temptation to infringe upon it. But if he elected one half of the representatives, it would be their essential duty to preserve his property inviolate. The people would likewise be effectually protected from his enormous power, by their proportion of the representation. And by this equal division of the representative body, a perfectly free government would subsist, even where wealth was so very unequally divided. The same thing must happen, were the lands or great property in the hands of ten men, ten thousand men, or any other number.

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On the other hand, if every individual of a nation, except one man, had an equal and a large share of property, and if that man had none ; he would be an outcast of their society, void of consequence, and unprotected by the laws, and they might compell him to do whatever they pleased. But if he elected one half of the representatives of the legislative body, it would become their essential duty to protect his personal freedom against the accumulated influence of the whole property. And the same thing must happen were ten men, or ten millions of men, in this situation.

From the arguments which I have used, illustrated by these examples, you will readily perceive, that it is absolutely impossible to make the great *property* of a nation perfectly secure, in a country governed by a representative body, unless that *property* elects one half of the legislative assembly. And you will likewise perceive, that personal freedom cannot be perfectly safe, unless *persons*, independent of property, elect one half of the representatives.

I am aware, that the impossibility of preserving an exact equality in a body of men, subject to human passions and infirmities,

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may be urged against this scheme; for, if they were left to themselves, they would soon be convulsed by intrigue, or misled by eloquence; bribed, perhaps, by the rich, or overawed by the mob. But these evils, as experience has shown, are susceptible of a remedy, which I mean to explain when I come to treat of the executive part of government.

It may likewise be said, that the terms which I have used, of " great *Property* independent of persons," and of "*Persons* independent of property," do not exactly apply, in the sense in which I have used them, as all persons have some property, and all property belongs to persons. I am ready to allow the justice of this observation, and am sorry that I could not find terms perfectly adequate to explain my meaning, not chusing to use those which have been perverted by the prejudices of party. In order, however, to remove all doubt on this subject, I shall in my next letter give such an explanation of those terms, as will, I hope, prevent mistakes, and convey a clear idea of the sense in which I wish to have them understood.

I am, &c.

LETTER

LETTER III.

DEAR SIR,

I Endeavoured to show, in my last letter, that the representative body in a free state, ought to be chosen, one half by the *property*, and one half by the *persons* independent of property. And I proposed to give some explanation of these terms, to which I shall now proceed.

By the term *property*, or *property* independent of persons, I mean the possessors of the great, visible, and permanent property, which in all states having extended and valuable territory, must consist in a majority of the proprietors of the lands: their power and influence extends to all those who are attracted by their wealth, connected with them by interest, or hired by their pay.

By the term *persons*, or *persons* independent of property, I mean the great body of the people, who in general depend more for their subsistence on personal labour and exertions, than upon permanent property: their power consists chiefly in their numbers, and their influence extends to all those

who depend more upon them than upon great property; and among their adherents are found such of the great proprietors as prefer popularity to riches.

Besides the objection which I have already stated to the terms which have been long in use, for distinguishing the great parties into which civilized nations are naturally divided, it may further be observed, that the word *aristocracy* properly means a government of the nobles or peers; but is of so indeterminate a signification, that it may or may not include a majority of the great *property*: and this circumstance alone would be a sufficient reason for rejecting it; because on that distinction would very materially depend the nature of the government.

To the word *democracy*, nearly the same kind of objection may be made, that the meaning is not sufficiently determinate to express the idea which persons independent of property is meant to convey. The term *oligarchy* is equally objectionable.

It is easy to distinguish the two extremes of *property*, and of *persons* independent of property; but in the intermediate and middle ranks of society, they approach so near to one another, and are so blended together, that

that it requires the nicest discrimination, to distinguish to which side they may naturally belong. A very close investigation of this subject would require a large treatise; but it may be observed in general, that *property*, without the aid of *persons*, would be of little consequence, the importance of *property*, in a political point of view, arising from its effect of producing influence to the possessor. Now, if this be considered as the object which makes it valuable, the possessor will naturally give a preference to the side of *persons*, if by such preference he can increase his influence to a degree superior to what he would possess in the class to which he properly belongs, which is often the case, and brings to that side both wealth and knowledge; and without such aid *persons* might be of little consideration; as they would easily be subjected, if they were wholly destitute of property. The condition of slaves is a sufficient proof of this assertion; where the persons of a thousand men, void of property and influence, are subjected to the will and caprices of less than a tenth part of their number; who are the possessors, and the dependents of the possessors of property. It follows, that property is of equal importance

tance to the one party, that persons are to the other; and take them as you please, they are, and ought to be, of equal consequence in a free state; for, in whatever manner the community is divided into *persons* and *property*, whether by a distinct line between the extremes, or by gradually ascending from poverty to riches, and descending from wealth to indigence, and mixing in the middle ranks, like the shades of black and white in a picture; still the nature of the thing is not in the least altered, the two parties, like black and white, continue to be the same, and have the same just claim to an equal share in the representation.

For these considerations, and chiefly because the power and influence remain with the *property*, whoever be the possessor, I have chosen to adopt that term, as being both short and significant; and I have selected the title of *persons* independent of property, because they are the principal consideration, and would be entitled to half the representation in a free state, even if they had no property whatever.

The executive part of government shall be the subject of my next letter.

I am, &c.

LETTER

LETTER IV.

DEAR SIR,

IF the representative body in a free state consisted of an equal number of deputies from *property*, and from *persons* independent of property, it would be impossible, while a just balance was maintained, for either of them to encroach on the other; but that equality, for the reasons which have already been mentioned, cannot be preserved. The remedy for this defect must be looked for in the executive part of government, which may be formed in three different ways; viz. either to remain in the legislature; which, for obvious reasons, would be highly improper, or to be delegated by them to a council or to a single person, for putting the laws effectually in execution.

If the executive power is placed in a council appointed by, and subordinate to the legislature,

gillature, but without influence on that body, such a power would be of no use in preserving the balance between *persons* and *property* in the representative assembly: On the contrary, it would prove an engine in the hands of the majority for increasing their power: The members of which the council consisted, would be changed with the parties in the legislative body, and public measures must, of course, become fluctuating. At any rate, it would neither have power nor dignity sufficient to prevent individuals from aspiring at too much influence in the state, and would prove a constant source of intrigue and cabal.

These, and many other evils, uncompensated by any equivalent good, would certainly be produced by lodging the executive power in the hands of the council, even if the representatives were equally chosen by the two parties; but if the representatives happened to be partially elected, the mischief would still be greater; the council would be appointed by a faction, and would be subservient to its tyranny.

But if the executive part of government was permanently placed in the hands of a single person, whose powers were so limited

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ed as to exclude every idea of becoming absolute, he would find that his own importance greatly depended on his preserving an equal balance in the legislative body; and it would be absolutely necessary that he should possess a sufficient influence for that purpose, which might be found in the nomination to all public offices. With the executive power in the hands of a single person, the measures of government would be more steady than if it was in a council, liable to sudden and total changes; and the power and dignity of the chief magistrate would tend greatly to prevent individuals from aspiring at an influence which might be dangerous to the state; an evil which, history will attest, has constantly attended those governments where *persons* independent of property have preponderated, and where the executive power was placed in a council.

If the executive power was placed in the hands of a single person, without influence in the representative body, it is evident that he could not preserve the balance between *persons* and *property* among the deputies; one of the parties would predominate, and by its ascendancy in the legislative assembly

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would seize the whole power, leaving the blame of incompetent measures with the sovereign ; who, destitute of power, and without protection, would become an object of contempt and detestation ; whilst the majority of the legislative assembly, actually exercising the executive power without responsibility, would become the most despotic tyrants.

From all these considerations it seems clearly to follow, that the executive power, in a free government, formed upon the representative system, should be placed in a single person, with such a degree of influence in the representative body as would enable him to preserve among the deputies an equal balance between *property*, and *persons* independent of property. It would likewise enable him to secure from infringement, such prerogatives as were necessary to preserve entire his consequence in the constitution.

In some other letter I shall examine, whether a government formed upon this theory would answer in practice, and be productive of every advantage to be expected from it in a free state ; but in my next I shall consider the effect of influence.

I am, &c.

LETTER

LETTER V.

DEAR SIR,

IN a former letter I endeavoured to prove, that there were but two classes in any nation that had a natural right to the supreme power of the state ; and those were, *property*, and *persons* independent of property. I likewise endeavoured to show, that their right to supreme power did not in any degree depend on the number of individuals of which each class might happen to consist, but on the preservation of property and of personal freedom to every part of the community.

Athough it is not possible that any third class can have a natural right to participate in the supreme power of a state, yet the two classes of which it naturally consists may delegate a certain proportion of their power to a third class, with the laudable intention of maintaining an equal balance between them, and exercising the executive part of government ; and as soon as they have done this, that third class must be pro-

tected against the encroachments of any one of the other two classes which might happen to have an ascendancy ; and it seems to be evident that this cannot be effectually done in any other way than by giving the third class an equal share of power in the legislature with any one of the other two classes ; besides it appears, that without such a degree of power the balance between the other two classes could not be preserved ; and as each class must act as a balance between the other two, their powers for that purpose must be equal. If the third class consisted of a chief magistrate, who was not intended to preserve a balance in the legislative body, it might be sufficient for him to have a *veto* in the legislature, though this negative on the passing of laws would not secure his authority ; because the party having the ascendancy would be always inclined to encroach upon such a power. But if a chief magistrate is intended to preserve the balance between the two great powers of the state, he must, by some means or other, have his equal share in the legislative assembly. It seems to follow, that in a government under the representative system, the chief magistrate should either elect one third
of

of the deputies, or possess an influence in that body equivalent to such a proportion of the representation. But as the chief magistrate could not chuse any representatives for himself, which would not belong either to *persons* or to *property*, the mode of representation could not, in his case, be adopted.

The appointment of persons to fill the great offices of the state must necessarily belong to the executive power, otherwise it would create another power not necessary, and even dangerous to a free government.

In this right of nomination to such of the public offices as would produce influence in the representative assembly, will be found an excellent expedient for giving to the executive power a degree of influence in the representative body equivalent to what would be its proportion or share of the representation; and, for the reasons already assigned, much more agreeable to the nature of a free constitution. This species of influence in the representative body will naturally produce, from those who are candidates for public offices, a systematic opposition to the operations of government; but such opposition will have a good effect, in being a proper

per check upon the conduct of the executive power, and preventing the adoption of inconsiderate measures.

If it is admitted, that the chief magistrate should have power to preserve the balance between *persons* and *property* in the representative assembly, it seems to follow, that his influence should extend to one third of the deputies, in such a manner as to make it their interest to support the executive part of government in all its just prerogatives; to make it their interest, as it is their duty, to consent to impartial and equitable laws; to prefer the advantage of the whole to that of the corps to which, from station in life or other circumstances, they may belong, and not from any private views to impede the public business. To act under such influence is neither blameable nor meritorious; but to do the same things uninfluenced by interest, would be patriotic. If the members of the legislative body should adhere to the chief magistrate when he attempted to make encroachments on *property* or the *persons* of the people, it would show, that what was given as influence had acted as a bribe; the intention would be criminal.

If it were possible to conceive a civilized state,

state, in which the whole people were equally inclined to the preservation of personal freedom and the preservation of property, (tho' in fact no such thing can exist); but, for the sake of illustration, let such a coincidence of interests be supposed; then, according to the principles which I have endeavoured to explain, if the people were to appoint a limited sovereign, he must either chuse half of the representatives to the legislative body, or have an influence which would be equivalent to this nomination. If he had not this degree of security, it is probable that his power would be of very short duration.

On the subject of influence, I beg leave further to observe, that if the assembly of representatives, in a large state, consisted of a few deputies, the proportion of influence arising in such a state from the privilege of appointing to all vacant offices would certainly be too great. If the assembly of representatives in a small state consisted of a very numerous body, the influence arising from the nomination to offices in such a state would certainly be too small. But if it is necessary, as I have endeavoured to prove, that the nomination to public offices should be in the executive power, as a means of
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necessary influence in the representative assembly, it will follow, that the number of deputies should be regulated by the quantum of influence.

And it will likewise follow, that if, from acquired territory, extended trade, or any other circumstance favourable to the country, the influence should be increased, from absolute necessity, beyond its former bounds; the remedy most favourable to real liberty seems to lie in adding more deputies to the representative assembly.

Another observation occurs respecting the force or power requisite for supporting the functions of the executive government, which is, that the least possible degree of it will be required when the two parties are equally balanced in the legislative assembly; but if a bias be given in favour either of *property* or of *persons*, the natural resistance which will arise in the state in opposition to this bias, will require an increase of force or power in the executive government to suppress it; which force must continue to be augmented, (the disposition to resist it naturally augmenting), till the government becomes entirely compulsive, and degenerates into absolute despotism.

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IF a government consisting of a legislative body, equally chosen from *property*, and from *persons* independent of property, with an executive power in the hands of a single person, who was possessed of sufficient influence in the representative assembly to preserve a balance between the two parties, was placed at so great a distance from any large town, or populous neighbourhood, as to prevent either the legislative or executive powers from being overawed by the mob, which naturally belongs, and is attached to the party of *persons*, and which is extremely ready, and equally unfit, to take the direction of public affairs ; such a government, so situated, might answer the purposes of its institution. But if this government was placed in a large city, or populous

pulous country, the legislative body might be overawed, and the person to whom the executive power was entrusted, might, if not protected by an army, be liable to insult, and even to personal danger, either on false pretences, or to answer some purpose to the candidates for power and offices, who might not be over scrupulous about the means of obtaining their end. The great and most unexceptionable security against these evils would probably be found in a house of peers, or nobility created by the executive power, and not possessing too great a share of the national property, who should reconsider and sanction the acts of the representative assembly.

I do not mean to enter into any detail respecting the construction or limitations of such a house. But it may be proper, in general, to observe, that the nobility, as such, would, in this case, have a common interest with the person to whom the executive power was entrusted, their titles, or the privileges which give them a separate existence as peers, being derived from him. This intimate connection with the person possessing the executive power, would operate more powerfully upon the nobility,
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than their general connection with *property*; to which class, if they had not been separated by this peculiar distinction, they would naturally belong; but being more intimately and strongly attached to their nobility, as a distinct corps *, and by that connection to the executive power, than to *property*, they would rather be disposed to repress the encroachments of *property* upon the executive power, and thereby to favour the security of *persons*: At the same time, the preservation of their own great possessions, would effectually prevent them from carrying this tendency so far as to endanger the general security of *property*.

The great wealth which the nobility possess, and the pre-eminence their rank and titles confer, would uniformly be employed to increase the respect and veneration paid to the person possessing the executive power, and could not fail of powerfully producing this effect; which, far from being the useless phantom that popular writers have insinuated, would operate as the most solid, and best security in support of the executive authority; for the maintenance of which an armed force might otherwise be required;

See Maxims, pages 34, 35.

and there can be no question, which of these means must prove most consonant to the existence of national freedom. The sovereign executive power must be supported either by general respect, or by an armed force, or by both; and as the one is diminished, the other must be increased.

From a house of peers formed upon the principles which have been suggested, little danger is to be apprehended, considering it in a legislative capacity; many obvious advantages will result from it, and it seems highly necessary to complete the best form of government upon the representative system. The British constitution established at the Revolution, is a full proof of its having answered in practice.

But if a house of peers was to include more than half the great property of the nation, as was the case in France before the the revolution in that country, the free constitution of government would, of consequence, be deranged.

Some politicians have imagined that the house of peers was a sufficient representative of *property*; and that the other house should be elected by a majority of all the men in the nation, each having an equal vote; which would
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make it wholly a representation of *persons* independent of property. This supposition will appear to be a mistake, when it is considered that the peers have a separate interest from the *property*, which will unite them to the executive power, in preference to it. And the house of representatives being wholly composed of *persons* independent of property, this party would become all-powerful, and might in consequence annihilate every other branch of the government.

But if, in place of a house of peers, there was a house of great property, without titles, or any other interest but such as was common to the body to which they belonged; it would then become necessary that the house of representatives should be elected by every man having an equal vote, or in some other mode which would secure a majority to the side of *persons* independent of property.

In a country where property was not very unequally divided, such a form might answer extremely well *; but in a country where it was otherwise, the two houses would have views so very opposite, that it

* Some of the American Governments are illustrations of this.

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would be difficult to preserve the balance and keep them in temper.

In a free state, some forms of government are, undoubtedly, preferable to others ; and that mixed form which has been traced in these letters, seems to me greatly to deserve the preference. But forms will not avail, if the only principles upon which a free government can be established are neglected. Those principles consist in allowing *property* to chuse one half of the representatives to the legislative body, and *persons* independent of property to chuse the other. In whatever degree this rule is departed from, in that very degree will one side or the other be oppressed ; that is to say, the laws will have a bias, favourable to the general interest of the prevailing party. From the laws you may easily tell which of the parties predominated in making them ; and from the state of parties in the legislative body, what must be the general complexion of the laws.

Why was the government established in England at the time of the Revolution more favourable to liberty than any other on the face of the earth ? Not because the form was the best, although our ancestors deserve, even for that, very great credit ; but because
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it was founded, from the accidental state of parties, nearly on those principles on which real freedom can only exist.

In remote times, the power was divided between the kings and the barons, who were not the same with the modern peers, but the same with that part of the community which I have distinguished by the name of *property*. This form of government did not produce general liberty; *persons* independent of property were greatly oppressed, till the kings, in order to lessen the power of the barons, or, in other words, of *property*, called in the aid of the people, that is, of *persons* independent of property, and gave some representatives from them a seat in parliament. Experience afterwards taught the kings how to bring those two parties in the government pretty near an equilibrium; but they were not aware, that a government so constructed must actually produce general freedom. This blunder with respect to their intentions, which proved fortunate for the nation, brought the kings into much trouble: They still thought that they might exercise as much power and authority as in the days when the whole government was in their own hands, or only participated by
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the barons; even the example of those reigns where the representatives of the people had a part, but not their full proportion, in the legislature, served to mislead them. At the time of the Revolution the parties were pretty nearly equal, and would not admit of a king, but under such restrictions as would effectually preserve the constitution.

While that equilibrium is preserved in the legislative body, and that body does its duty to its constituents, freedom, by which I mean full liberty to *persons* and perfect security to property, must remain. When *persons* and *property* make the laws, *persons* and *property* can never be in danger; but they cannot be both safe when the laws are made by any other power, or, singly, by any one of themselves.

The whole power of a state vested in *persons* independent of property must produce the worst species of tyranny, because it would be administered by the greatest number of men. The whole power in *property* would only be preferable as being exercised by a smaller number. And by the same rule, the despotism of a single person is preferable to either.

I hope that I have proved to your satisfaction, that the only principles upon which real freedom can be founded in a country where property is unequally divided, are few, clear, and simple; and that they consist in placing and preserving the legislative power equally in the hands of *property* and of *persons*.

Let us bring this reasoning to the test of experience. The recent affairs in France, and the history of ancient governments, will amply afford the means.

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LETTER VII.

DEAR SIR,

HAVING explained pretty fully, in the preceding letters, the principles upon which the real freedom of a nation can alone be established, I shall endeavour to prove, by an application of those principles both to modern and ancient governments, that they are founded in truth, and supported by experience.

But in order to account for the actions of individuals, when they seem to be contrary to the interest of the party or class to which they naturally belong, and for the actions of a whole corps, when they seem to be in opposition to the general good of the community, it will be necessary to attend to the three following maxims, which, being founded in nature, act upon us like instinct.

1. In the *first* place, we prefer our own interest to that of others.

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2. We prefer the interest of our corps or class with which we act, to that of the whole community.

3. And we prefer the interest of the community to that of other nations or communities.

If we reverse the two first maxims, and prefer the interest of the community to that of the corps or individual, we shall then see in what real patriotism consists. But real patriotism is a dictate of reason, not of nature, and requires an effort of which few men are capable.

To expect such an effort, either from individuals or particular corps when contrary to their particular interest, is to expect something contrary to nature.

The kingdom of France had long been under an absolute government; neither *property*, nor *persons* independent of property, could be said to participate in the supreme power of the state. The internal happiness of a country in this situation would very much depend upon the Monarch's maintaining an equal balance between *property*, and *persons* independent of property; and in order to do this he must establish equal laws, which

would not allow the rich to oppress the poor, nor the poor to encroach upon the property of the rich: so that, even in a despotic monarchy, this balance of the two parties becomes absolutely necessary to good government.

I do not mean to enter into a minute detail of the circumstances which preceded or brought about the French revolution; it is sufficient for my purpose to observe, that the Kings of France had greatly deviated from those principles upon which all good government, even under absolute power, must ever depend.

Property was kept in a disagreeable subjection to monarchy, but was allowed to oppress persons divested of property, who were thereby reduced to a state of misery: far the greatest part of the nation were discontented and ready for a change, when, circumstances being favourable, the Revolution took place.

In a country, perhaps the most powerful and enlightened of any in the universe, with the ancient government first declared bankrupt, and then totally annihilated; let us observe what steps were taken for the declared purpose of attempting to form a new constitution

constitution upon the best general principles of freedom that could be discovered.

But it will be necessary, in the first place, to consider the state of those parties which had, whether well or ill founded, some pretensions to participate in the administration of the supreme power.

The nobles were so numerous, that they included in their body a majority of the great property. The importance of their titles was indeed diminished by their numbers, but still it gave them an interest strongly connected with that of the crown, which disqualified them from being a fair and simple representation of *property*.

The clergy were likewise a very numerous body; who, by pretensions to interest in the next world, had gained in this so great an ascendancy as to be considered to have an equal right to power with either *persons* or *property*. And upon this occasion, the assembly of the clergy, in a memorial presented to the King, declared their exclusive right to tax themselves.

That class of the people who constitute a majority of *persons* independent of property were studiously depressed; the peasantry, by the feudal institutions that prevailed, were considered

considered as property, being sold with the lands, and consequently exposed to be treated with great inhumanity.

The King was at this time in some degree favourable to the pretensions of the *tiers état*, or *persons* independent of property, because he was afraid that the nobility, including *property*, would ingross too much of the power. Mr Neckar was his minister, and the popularity of that gentleman probably balanced the tendency which his fortune gave him to *property*, or his situation to loyalty.

In general, those who had property without titles being excluded from a common interest with a majority of that class in which their fortunes would naturally have placed them, inclined to the side of *persons* independent of property, with whom they were brought to have a nearer connection.

In this state of parties, an assembly of the notables was called, to consider of the most proper means of convoking the states-general.

The assembly of the notables consisted of one hundred and fifty individuals, divided into six sections or bodies, of twenty-five persons in each, which deliberated separately.

ly. They were in general composed of the princes of the blood and principal nobility, and were, in consequence, in an interest, divided between the Crown and *property*. Where the King had most influence, as in the section of which Monsieur was the president, the decisions were favourable to the views of the Crown, and to the side of *persons*, the sovereign being then jealous of the power of the nobility; but a great majority of the notables were in the interest of the order to which they naturally belonged, which was that of the nobility, including *property*, and were for supporting high prerogative. The notables agreed in the principles that ought to regulate the forms of electing the *tiers état*, which were, that the electors, including every man of a certain age, should be distributed into *communités*, and these to select a certain number of citizens to represent them in what was called the secondary *bailliage*, these again to depute to the primary ones, and these last to chuse the representative to the *states-general*, from the order of the *tiers état*.

This was evidently a very popular mode of election, as the whole depended on the *communauté*; it gave indeed some appearance
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of including property, but upon no fixed principle. The orders of nobility and clergy were each to elect their own representatives.

The notables did not determine the number of which the states-general should consist, nor the proportion to be sent by the *tiers état*; but the King, by a proclamation, fixed the whole at one thousand, of which the *tiers état* were to send a number equal to the deputies of the other two orders. This was a popular step; but the King and his ministers expected that their own influence would be sufficient to oblige the orders to deliberate in separate houses, and, by maintaining a balance between them, to prevent either from assuming too much power. The event, however, shewed that this conclusion was ill founded.

According to the principles of government which I have laid down, no decision favourable to real freedom could be expected from a body constituted like that of the notables; because the power was placed in other hands than the representatives of *persons* and of *property* equally balanced. If the maxims in the beginning of this letter are just, the King, *property*, and privileged orders,

orders, would naturally have other views than the general good of the whole community.

The national assembly, consisting of all the orders, met and deliberated in one house. But it must be observed, that a great number of the representatives of the clergy, consisting of the inferior orders, and some few of the nobility, joined the party of the *tiers etat*, in preference to that of the nobles and the generality of the dignified clergy, which gave to *persons* independent of property a great superiority. The national assembly thus biaſſed, passed many laws salutary to the just claims of the order of *persons*, but, as might have been expected, not equally attentive to the security of *property*, or to the necessary prerogatives of the Crown. Anarchy followed; depredations on the possessions of the great were committed with impunity; and the mob became both judges and executioners. The nobles forsook the assembly; titles were abolished; the churchlands were confiscated; and soon after the King attempted to make his escape. The assembly formed a new constitution, by which the elections of representatives were made extremely popular, effectually securing the

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power to *persons* independent of property : They made some declarations in favour of *property* ; but it is evident that the care of large possessions was in very bad hands.

Such laws, and such a constitution, it was natural to expect from such an assembly ; but, if the principles which I have laid down be just, they could never be productive of real freedom ; on the contrary, they must naturally produce the worst kind of despotism, being administered by the greatest number of men *.

While the French nation continues to suppose, that real liberty consists in the whole power being lodged in the hands of *persons* independent of property, and while they have the command of the public revenue and military force, such a government, with all the evils which must attend it, will remain, till dear bought experience teaches them how much they have been mistaken in their principles of government : and when they shall have discovered their error, it is not improbable that they may suppose liberty to lie in an opposite extreme.

It may be proper to inquire how far other nations are concerned in the government

* See p. 32.

which

which the French people have chosen to adopt. If an individual chuses to injure himself in a manner no way prejudicial to others, he will only become an object of pity or of contempt; but if his actions have a different tendency, he must be resisted. It is the same with governments. Louis XIV. wanted to conquer all Europe for his own glory, but was very properly resisted. The National Convention have declared against all crowned heads, and insisted on all Europe receiving the same abominable government which they have chosen for themselves; and in this they ought also to be resisted. The principles upon which the government of France are formed, are demonstrably false in theory, and evidently destructive in practice. But they are flattering to the lower orders of society, whom it is difficult to convince by reason, or to restrain, but by the fatal effects of experience.

It would be quite unnecessary to recite the horrid scenes which have taken place in France since the period to which we have just been alluding, as they are well known to every body. They will, however, serve as so many additional proofs, that real freedom does not consist in placing the whole

power of government in the hands of *persons* independent of property; and I may venture to predict, that France will not enjoy internal tranquillity while her legislative body is so constructed. Neither would she enjoy real freedom, were the power to be transferred to the hands of *property*, of the nobles, of the King, of the clergy, or of any union of these powers, except that of *property* independent of persons, and of *persons* independent of property, equally balanced by some suitable means.

As I have endeavoured to show that the French representation is partial and incompetent to the purposes of real freedom, you may wish to know by what other means they might have regulated their elections agreeably to the principles of government which I have laid down. This subject shall occupy the next letter.

I am, &c.

LETTER

LETTER VIII.

DEAR SIR,

THE great object of every free government, is to secure to the whole community, personal freedom, and perfect safety from every species of oppression, on the one hand ; and on the other, absolute security to property, whether the quantity be great or small, provided the possessor has a just title to it.

The inhabitants of every nation, as I have already observed, are naturally divided into two classes, which I have chosen to distinguish by the names of *property* independent of persons, and of *persons* independent of property, but which are generally known by the names of *aristocratic* and *democratic* parties.

It is evident, that the line that separates those two classes is not clear and distinct, because there is a regular gradation from
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the greatest indigence to the greatest wealth. We may, therefore, divide the community into any number of classes that we please, each class having, as nearly as possible, one common interest. Now the object to be obtained by each class is, perfect security of its just rights and privileges; and justice requires that this should be done without the least regard to the number of individuals of which each class may happen to be composed; because the classes which contain but a small number, are equally intitled to security of person and property, with those which contain a great many. Besides, it should be considered, that the government and laws which secure ten thousand men in their just rights, afford the same security to ten millions in a similar situation, or, what is the same thing, belonging to the same class. But if this numerous class, only because it is numerous, demands the privilege of sending a greater number of representatives to the national assembly than perhaps all the others put together, what must be the security of the other classes, if the majority sent by this numerous class think proper to encroach upon their just rights and privileges? To say that any one class
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of mankind, only because they are numerous, have a right to govern and dictate to the other classes, only because they are fewer in numbers, would be an assertion contrary to truth, to justice, and to liberty. But it would be equally untrue, unjust, and destructive of freedom, to say, that any one class, because the individuals of which it was composed had more wealth than the other classes, should, for that reason, pretend to any authority over them. Neither wealth nor numbers can give any just title to superiority. All have an equal title to power and to protection. But it is demonstrable, that they cannot share equally in the power, and have equal protection, in a representative government, unless they send an equal number of deputies to the national assembly.

If this reasoning be just, and I think it is incontrovertible, each class into which the community was divided, ought to chuse a certain, but equal number of delegates, every person in each class having a vote for the delegate of that class to which he properly belonged ; a majority of these delegates should chuse the representative ; and the number of representatives should be regulated by the number of districts into which
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the nation may be divided. The individuals belonging to each class might be ascertained by any tax which increased according to the wealth and opulence of the subject.

The representatives should not be chosen for too great a length of time, but at certain periods be again in the power of their constituents, otherwise they would become a corps, and the second maxim in the last letter*, which applies to such a body, would be applicable to them.

This plan is simple and comprehensive, as every individual would have a vote in his proper station, and in that respect there would be perfect equality.

If France had adopted such a scheme of equal representation as this, it is probable that the unfortunate Monarch would have still been alive, and his subjects in possession of the blessings of real freedom.

It is certainly true, that if only a part of each class, having a common interest with the whole class to which they respectively belong, were to elect the representatives, the effect with respect to the representation would be the same as if they were elected by the whole. But the advantages resulting from the privilege of election, would by
this

* See p. 35.

this mode, be very unequally distributed among the inhabitants, as a few would engross that consequence, in which all have an equal right to partake. And it is this circumstance which has made the representative part of the British government answer so well in practice, although it may appear in some measure inconsistent in theory.

The great error into which the French politicians seem to have fallen, takes its rise from their supposing that the number of deputies to be sent to the representative assembly should depend on the number of persons of which the class that sends them consists; and, of consequence, when the nation is divided into the two great classes, of which every civilized nation must consist, (that is *property* independent of persons, and *persons* independent of property), that class which consists of the greatest numbers, in consequence, sends the greatest number of deputies to the national assembly. The effect which this system has produced, as well as my reasoning against it, has clearly demonstrated the destructive tendency and the error of such a practice.

The different classes of mankind, from the lowest to the highest, and from the highest

to the lowest, naturally incline to encroach upon each other: this is a vice, taking its rise from the excess of the opposite virtue; for it is certainly commendable, to endeavour to raise our own fortunes, our power, and our importance, while it can be done without encroaching on the rights of others; but strongly prompted by what we suppose our interest, or the interest of the class to which we belong, we are prone to overstep those bounds by which, in strict justice, we ought to be limited.

These considerations would make it extremely improper to put the fortunes of the rich in the power of the comparatively poor, or of that of their representatives, without taking some precautions equivalent to such a power for their security. It would be equally improper to put the persons of the poor, their labour, or small property, in the power of the rich. They have equally to dread the least superiority in their opponents.

If equal power and mutual safety be the object of both classes, and at the same time the true principles of a free government; how can that object be obtained? Not surely by one of the parties sending a greater number of representatives to that assembly which

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is to make the laws on which they are both to depend for absolute security: From what has been said, such a practice must appear too absurd to require refutation. They can only be safe by sending an equal number of deputies to such an assembly; and I have already attempted to show how that may be done, with equity and justice to all parties.

Those principles which I have applied to the French government, as a test of their distance or approach to that point on which perfect freedom must ever depend, may with equal propriety be applied to any other government, ancient or modern; and will infallibly show how far or how near they were at any time from enjoying real liberty.

As the example of France has clearly established, that perfect freedom does not consist in placing the supreme power of the nation in the hands of *persons* independent of property, so the example of Poland will demonstrate, that neither does it consist in placing the supreme power in the hands of *property*.

Although Poland may be called a monarchy, because it has a King, who is elected by the nobility, yet, as he has no power in the legislature, the government cannot properly be called monarchical.

The truth is, that the whole power of the state is placed in the hands of those who are called nobility, but who really are that class of the society which I have distinguished by the name of *property*: their power and consequence is wholly drawn from that source; they have titles, but they set no particular value upon them, neither does a higher title give a superior rank; they are all alike in this respect, and prefer being called gentlemen of Poland, to any other appellation.

The Polish nobility have not only the power of electing their King, but of laying him under whatever restraints they think proper; they have a power of life and death over their tenants and vassals; they are the only persons (the burghers of some particular towns excepted,) who can purchase lands; they have many other privileges and exemptions equally incompatible with real freedom; and they are a kind of despotic princes upon their own estates; some of which are so very large, that they can raise eight or ten thousand troops upon them, and commonly keep a body both of horse and foot in constant pay, who are ready to execute their orders, and defend their persons; their debates at the diet,

diet, and in the senate, are often determined by the sword, and their private disputes decided in the same manner, as the idea of their own importance makes them contemn the law, and scorn the decision of a judge.

It may reasonably be doubted, whether even the nobility of Poland, with all their power and privileges, can be said to enjoy the smallest degree of rational freedom; but if they do not, how very far from it are those poor and miserable wretches whose destiny has placed them under a government so inimical to human happiness. The peasants, who make a very great proportion of the inhabitants of Poland, are looked upon as a part of their master's property; they are obliged to cultivate his lands, and, like other slaves, to submit to his caprice and cruelty, and their wives and daughters to his brutality; they are bought and sold with the lands, and in many respects worse treated than the beasts; but in them the human character is so debased by habit and ignorance, that they submit to their masters tyranny as an evil which they have no right to resist.

This sketch of the effects of the power of a state being wholly in the hands of *property*, will be sufficient to convince you, that freedom

dom is not to be found under such a government, and that it is equally distant from it, with those countries who have placed the supreme power in the hands of *persons* independent of property.

The state of France at present, and the state of Poland for ages, will serve, I apprehend, as experimental proofs of the justness of the principles which I have laid down for the establishment of real freedom.

I am, &c.

LETTER

LETTER IX.

DEAR SIR,

AMONG the ancient states of Greece, Athens has been greatly celebrated for its love of freedom, or rather, after the days of Solon, for its popular government, which did not deserve the name of liberty.

Athens was originally governed by kings; but that office was abolished after the death of Codrus, the last of their sovereigns, and the supreme power was placed in the hands of a chief magistrate called an Archon, whose office was decennial; but the number of archons was afterwards encreased to nine, who were chosen annually. The Athenians appointed one of those archons, named Draco, to form a code of laws for the government of the state; but he made them so severe, punishing the most trifling faults with death, that they soon came into disuse, and himself into disgrace. As the Athenian history, at the beginning of the period of which we have been treating, is not recorded by cotemporary

ry authors, the exact state of political parties is not so perfectly known, as to enable us to determine what share of the power was in the hands of *property*, or in what degree *persons* had influence. But by applying the principles of government which have been laid down, to the laws which were in force till Solon's time, and which were abrogated by him, we may form a tolerably good judgement of what party prevailed in the legislature. According to Plutarch, people were obliged to give themselves up as slaves, and even to sell their children, in order to pay their debts; neither could any man devise his effects by will, the laws obliging him to leave the whole to the next heir. It is evident that such laws were not made by *persons* independent of property, and whatever power the ancient democracy might have in Athens prior to the days of Solon, they had not the power of making the laws.

Solon was by birth a noble; he was created archon, and, like Draco, appointed to form a constitution, and a code of laws for the government of the state: by them, he continued the archons as chief magistrates; they were a kind of judges who took cognisance of the conduct of inferior magistrates; their

their persons were not to be insulted, and they had the power of punishing with death. He not only continued, but greatly increased the power of the famous court of Areopagus. The number of which it consisted is not exactly known ; but the judges of it were obliged to have served as archons, before they could be elected of the Areopagi : they took cognisance of all capital causes. He formed a senate, which consisted of four hundred persons: the whole community were divided, according to their property, into four classes, and each class of citizens sent one hundred of their body to compose the senate. You will observe, that Solon did not allow each class to send deputies according to the numbers of which the class consisted, but the same number of deputies was sent from each class. The senate had cognisance of all affairs before they could be referred to the whole community at large ; and they had the charge of the fleet, with a considerable share of the executive government. Solon decreed, that no person belonging to the lowest class should enjoy any public office whatever ; and having taken such precautions, he concluded, that all laws might be referred to the people as a dernier resort. But this cir-

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cumstance, contrary to expectation, for the nobles readily agreed to it, placed by far the greatest share of the supreme power in the hands of *persons* independent of property. The constitution was so framed, however, that private property and the public offices were pretty well secured to the higher orders.

We may naturally conclude, from the manner in which Solon formed the senate, that he had a very proper idea of the just claim that *property*, and *persons* independent of it, had to the whole power of the state; and he seems to have intended that it should be equally divided between them; for he constructed the senate by *property*, and not by titles, or any other pretension to power. It seems perfectly clear, that Solon intended that the laws should be wholly framed by the senate, and highly probable that the concurrence of the people was only meant by him to prevent them from being oppressed by laws enacted without their consent.

Be that as it may, the placing the dernier resort in the people, gave them the whole power of the government; and we have only to consider whether this produced real freedom, and protected every man in his just rights.

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That the very contrary was the case, is evident from history. The state was perpetually divided into factions headed by demagogues, who were seldom scrupulous about the means of obtaining their end, provided they could force themselves into power; neither virtue nor talents could save those who attempted to restrain the ambition of the ruling faction; accusations were frequent, and the innocent were often condemned; it was dangerous to be eminent, and contemptible to be otherwise; and even while their armies were successful abroad, the nation was convulsed by factions at home. Such a government was, however, favourable to military operations; those who composed the legislature, composed also the army, and, belonging generally to the class of *persons*, who had the supreme direction of affairs, the difference to them of being divested of all power, and reduced to the state of slaves, or even of subjects of another state, made them fight with an extraordinary degree of enthusiasm. The same circumstances made them chuse for their commanders, men of the greatest skill and abilities: but gratitude not being a virtue of the multitude, their successful generals were often very badly requited for their services.

The history of the Athenians abounds with proofs of these observations. But if we infer from their success in war, that they were a happy people at home, we should draw a very improper conclusion from their victories, as the very contrary, from well authenticated records, appears to have been the case. Even that degree of internal happiness which they did enjoy, may be wholly imputed to *property* having still some weight and authority in the state; for as they infringed upon the laws which Solon had established for its security, they proportionally went to ruin.

The Lacedemonian government, and the laws of Lycurgus, might enable a small state to defend itself, and even to become very formidable among its warlike and powerful neighbours; and they may serve to show, to what hardships freemen will voluntarily submit, rather than allow themselves to be subjugated by any foreign power.

Lycurgus, in order that his countrymen should be in constant readiness, either for attack or defence, wanted to make every man a soldier, and for this purpose he thought it necessary to introduce perfect equality: but knowing that no such thing could exist where property was unequally divided, he,
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very properly, began by making an equal division of all possessions, and by enacting that they should not again be bought or sold ; at the same time rendering the accumulation of money an impossibility in the state.

But such measures in a government under different circumstances, would not only be absurd, but impracticable. Hence must appear the futility of the present attempt of the French to adopt political equality in a nation where the extremes of wealth, and of its opposite, penury, must perpetually exist.

The Macedonian government was monarchical ; but rose by conquest, particularly under Alexander the Great, to a degree of power, and extent of dominion, unequalled at that period by any other nation.

It may not be improper to inquire, whether those great military atchievements were accomplished under a despotic government, or whether the Macedonians had any well-founded claim to a constitution, and a certain degree of freedom.

That the kings of Macedon were not perfectly arbitrary, will appear from hence, that they had not the power of punishing with death, without first having obtained the consent of the people, or of the army ; and
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that this institution must have vested a very material part of the supreme power in the hands of *persons* independent of property; and although there was not any particular assembly of men of great property and consideration, yet people of this description had a constitutional right, which they often exercised, of giving their advice, and expostulating with their monarchs, on matters relating to government. So that, both *property* and *persons*, in some measure, appear to have shared in power along with the kings of Macedon.

The Carthaginians, under a free government, rose by commerce to immense power and opulence. We are enabled to discover, by the fragments of their history, which have been handed down to us by Greek and Roman authors, that the supreme power of the state was, for many centuries, pretty equally divided between *property*, and *persons* independent of property; and that a third power, probably the *suffetes*, was enabled to maintain the balance between them.

The form of their government has been mentioned by several authors, but they do not explain in what manner the different bodies of which it consisted were elected.

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The two chief magistrates were named *suffetes*; they were annually chosen, and had a power resembling, as some have said, that of kings; others have compared their power to that of the Roman consuls: it was their duty to assemble the senate, and in that body they presided. The senate was composed of experienced and reputable persons, but of what number is not known; if the *suffetes* agreed with the senate, and the senate were unanimous among themselves, their authority was sufficient to make the laws; but if the *suffetes* differed from them, or if they differed in opinion among themselves, the whole matter was referred to the people at large, who were, in such cases, the dernier resort.

Experience seems to have proved, by the great prosperity of the Carthaginians, that their form of government had answered extremely well, during a long period of peace and tranquillity; but when their government came to be agitated by war, and the violence of factions, the dernier resort being in the people, that is the class of *persons*, gave them almost the whole power; which, according to the testimony of the best authors, proved the ruin of the state.

The nature of the Roman government is
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so generally known, that it seems unnecessary to be very particular on that subject. It may not, however, be improper to observe, that it began with limited monarchy. The legislative power was at that time in the hands of the king and of the senate; but the election of kings and magistrates, the making of peace and war, and the judging of criminals, belonged to the people at large; and while the suffrages were taken by single vote, the supreme power, in those respects, was placed in the hands of *persons* independent of property. But Servius, who was one of their kings, divided the people into six classes, according to their property, and each class into a certain number of centuries. The first class, consisting of the nobility and people of the largest property, was divided into a greater number of centuries than all the other classes put together; and as the votes were given by centuries, that method of voting put the whole power into the hands of *property* independent of persons. They likewise filled all the great offices: the senate was elected from their body; and they were patricians or nobles by birth. Those institutions made the senate, which might be looked upon as a representation of the nobles,

bles, too formidable for either king or people : the successor of Servius was banished, and the office of King abolished for ever. The people, who had lost all their consequence in the legislature, were greatly oppressed, and many laws were made for the purpose of keeping them in that condition, particularly those which related to debtors. But that natural right which *persons* independent of property have, to an equal share with *property*, in the supreme power of a state, is not to be extinguished by any laws which can be devised : it is unjust power only that can suspend the exercise of this right, and freedom is invaded in the same proportion that force is so employed. The Roman people were therefore constantly struggling to regain that share of the government, of which they had been insidiously deprived, under the specious pretence, of easing them from too great a share of the public burdens.

While the senate and patricians included in their body a majority of the great property, and were likewise possessed of the whole executive power of the state, it is no wonder that they should have been able to maintain their superiority over the plebeians,

who then consisted only of *persons* independent of property ; but when the Romans had made very extensive conquests, and many individuals among the plebeians had become so rich, that a majority of the great property came to be included in their body, the case was very much altered, and the plebeians, as a corps, became more powerful than the patricians, including the senate. The change was gradual, because the senate lost power in proportion as the plebeians gained property. If the parties could have been kept in balance, when *property*, and *persons* independent of property, had each an equal share of the power of the state, the Romans would have continued to enjoy all the advantages of a free government. But this was not the case : for *persons* independent of property, availing themselves of the aid given to them by *property*, in order to reduce the power of the senate, seized the whole legislative authority. It is evident, however, that although *property* and *persons* might agree in humbling the senate and patricians, yet they must have had very different views in many other respects : *property*, for example, would never agree to an agrarian law ; and although *persons* independent
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of property had influence enough in the legislative body to get such a law enacted, yet they had not sufficient power to get that law put in execution contrary to the inclination of *property* and the senate united. When the senate and patricians were no longer a majority of the great *property*, they had no longer, according to the principles which have been laid down, any natural right to a share in the legislature. They might indeed have any proportion of it delegated to them by *property*, and *persons* independent of property; but, as a corps, they could have no better title to govern other men than any other corps which happened to make a part of the community. *Property* and *persons* would therefore naturally unite in dispossessing such a corps of its legislative authority; but when this was done, they would as naturally disagree in other respects, and consequently produce violent convulsions in the state, which, for want of a proper knowledge of the true principles upon which a free government can alone be established, they could not restore to proper order, and must in the end have recourse to military force, which, in place of acting as arbitrators, would seize the whole power, and

make their general absolute. Such is the natural progress, and such were the events which actually took place among the Romans, as their history will testify.

I must further observe, That the senate of Rome, or the senate and the whole body of patricians, did not necessarily constitute that class of the community which I have distinguished by the name of *property*: While their body included a superiority of the lands, or great *property*, they had a natural right to one half of the supreme legislative power; but if they had not such a superiority of *property*, they had no right whatever to any share of the legislative authority: their birth, or titles, included no natural right to make laws for the whole nation. Neither did the appellation of *plebeian* correspond with *persons* independent of property; because that title might likewise include a majority of the great property, as there can be but little doubt that it did toward the end of the Roman republic. *Patrician* and *plebeian* are, for these reasons, equally unfit with *aristocracy* and *democracy*, to express the sense which is meant to be conveyed by the terms *property*, and *persons* independent of property.

I am, &c.

LETTER

LETTER X.

DEAR SIR,

IN the foregoing letters I have attempted to unfold the principles upon which true freedom may be erected, in as concise a manner as seemed to be consistent with perspicuity : It remains only to recapitulate the substance of what has been said, that the subject may be presented under a distinct point of view ; and to add such farther illustrations as may appear to arise generally from the subject.

In the first letter, I have endeavoured to give some general, though imperfect idea, of the origin and use of government in all nations ; and have attempted to show that the end of all dominion, is to secure to mankind the freedom of their persons, and the security of their property ; that in all civilized countries the inhabitants are naturally divided into two great classes or parties, which are continually endeavouring to encroach upon each other ; and that all just power
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must take its rise from a combination of *persons* and *property*.

In the second letter, it is taken for granted, that the representative form of government is best suited to freedom; and consequently, that the deputies sent to the legislative assembly must, in order to preserve that blessing, consist of one half chosen by *property* and the other by *persons*.

Having, in the third letter, given some definition of the terms which were found necessary to explain the subject, I have proceeded, in the fourth, to state, that the executive power appears to be the best means to balance the two contending parties in the legislative assembly, in which alone true freedom can consist: And it seems farther to appear, that the executive power should be placed in the hands of a single person.

The fifth letter demonstrates, that the executive power must be possessed of influence in the legislative assembly, in order to maintain the balance between the two parties of which it should consist; and hence the necessity of the ministers of the sovereign power having seats among the deputies, or that the servants who act in the name of the executive authority should be chosen from that body.

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From the sixth letter may be drawn the most forcible reasons for the creation of peers, which in fact, in a great measure, renders armed force unnecessary in a well-poised government. And the most unquestionable evidence is produced, that the British government owes its excellence to its coincidence with the principles which I have endeavoured to establish.

The transactions in France since the revolution in that country, are brought forward in the seventh letter, to shew how much the French nation have mistaken the true basis of freedom ; and a short sketch is added, of the mode by which France would have secured liberty.

In the eighth letter, I have endeavoured to shew the possibility of the French nation reducing to practice the principles inculcated in these letters. But, that the example of France may not lead to an opposite extreme, I have produced the Polish government, to shew, that a bias to the side of *property* is as injurious to mankind, as a bias to the side of *persons* independent of property.

In the ninth letter, I have given some slight sketches of what history has transmitted

ted respecting a few of the ancient governments which were supposed to enjoy a considerable degree of liberty. But although popular governments, by raising the lower class above their natural level in the general scale of society, may tend to make them fight a foreign foe with a degree of enthusiasm proportioned to their consequence in the state; yet such governments (as the examples will show) did not enjoy that domestic tranquillity and happiness which equitable laws, and a consciousness of the absolute security of property, and of personal freedom, must ever produce.

If the governments which now generally exist in the world be brought to the test of the principles which have been inculcated in these letters, they will demonstrate the deviations from freedom, and will show exactly the degree of liberty which each of the states of Europe possess, that are generally denominated absolute monarchies, although they have some fundamental laws which restrain the will of the sovereign, and oblige him to respect the great property; but those customs or laws are not equally favourable to personal freedom. It has been common to observe, that
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such states differ materially from those despotic governments where the sovereign claims the property of the lands, as is the case in many of the Asiatic and African nations; and this difference affords a new proof, that *property must be considered as containing half the power of every state*; because when this power is united to the sovereign authority, according to the principles laid down in these Letters, the whole body of the people must become completely enslaved.

In Turkey, the only security to property, or restraint on the sovereign, is derived from the laws of their religion, contained in the Koran; and this circumstance has probably tended more to propagate and preserve the Mahomedan faith, than either the sword, or the luxurious paradise which it promises.

In all inquiries into the nature of free governments, it has been remarked, that the security of *persons* and of *property* was the end proposed; but I have not observed, that former disquisitions upon this subject have remarked, in terms sufficiently explicit, that these two bodies of men are at continual variance; one of them tending immediately to the destruction of *property*, and the other to the enslaving of *persons*. It is this

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circumstance which makes the dominion of either party a complete despotism over the other ; and from hence arises a maxim in government, that *real freedom consists in the supreme power being equally divided between persons and property.*

In accounting for the prevalence of monarchy, or the dominion of a single person, men have had recourse to divine right ; or they have supposed, that as one God must rule the universe, one man, to resemble him, must rule a nation. Such ideas are ill founded : the true reason why the dominion of a single person has prevailed in most countries in the world, appears to be, that the two great parties of *persons* and *property*, finding that they could not bear the dominion of each other, committed the power to a single person, as the least evil of the three.

Mankind have been imposed upon in a variety of ways respecting government by those who meant to subjugate them ; and impostures of this kind become frequent, when states are in possession of some degree of freedom. Among these may be reckoned, that constant cry which we hear in the French nation, that the laws should reign ; that freedom is the reign of the laws. If
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it is meant, that this must necessarily produce freedom, it is a most gross deception; because it supposes, that men must be free, if they are ruled by law. The most abominable tyranny has been exercised and sanctioned by laws, and by customs which have obtained the force of laws. It is not in the execution of such laws as happen to exist, but in the framing and enacting of necessary and good laws, that liberty chiefly consists; and (as I have before observed) from the nature of the laws of any country, a true judgement may be formed of the degree of freedom enjoyed by its inhabitants. The legislature of every country is a constantly operating power, and, according to its bias, the laws are formed to oppress *persons* or *property*, or both; these oppressions may be so speedily performed, that in some cases a single law may be sufficient to destroy all the security of *property*, or annihilate every vestige of personal freedom. For these reasons, no nation can possibly continue to enjoy liberty, but by placing the legislative authority, one half in *property*, and the other half in *persons*, and by preserving such a balance between those parties as completely precludes either from preponderating.

T H E E N D.



